

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**JULIAN RUEDA
ADC # 140164**

PETITIONER

v.

No. 5:13-cv-21-DPM-BD

RAY HOBBS, Director, ADC

RESPONDENT

ORDER

Rueda has not opposed Magistrate Judge Beth Deere's Proposed Findings and Recommended Disposition, *Document No. 4*. Reviewing for clear errors of fact on the face of the record, FED. R. CIV. P. 72(b) (Advisory Committee notes to 1983 Addition), and for legal error, the Court adopts the proposal with a small change. Rueda cannot proceed with his successive petition in this Court without permission from the Eighth Circuit Court of Appeals. 28 U.S.C. § 2244(b)(2). Rueda's motion to proceed *in forma pauperis*, *Document No. 1*, is granted—not denied as moot. His petition for writ of *habeas corpus*, *Document No. 2*, is dismissed without prejudice.

So Ordered.


D.P. Marshall Jr.
United States District Judge


28 February 2013